

Criminal liability of artificial intelligence

Abstract

The aim of this diploma thesis is to evaluate the possible criminal liability of artificial intelligence for its socially harmful unlawful conduct and if artificial intelligence cannot be criminal liable then evaluate criminal liability of persons for the unlawful acts of artificial intelligence, and also to assess whether it is necessary to change laws so that we can use in such situations the *ultima ratio* principle (criminal law).

The first chapter deals with the concept of artificial intelligence. At the beginning of this chapter I deal with the definition of artificial intelligence from a technical point of view and I also deal with the most important points of its historical development. Then I analyze artificial intelligence from the perspective of the Czech legal order. First, I do so in connection with private law (specifically with civil law, respectively mainly with copyright) and then with public law (specifically with criminal law).

The second chapter aims to introduce the concept of criminal liability as an institute of Czech law. I focus here on the individual components of criminal liability and its legal requirements, but not in an exhaustive way, but only to the extent that it is necessary to fulfill the topic of the thesis and to understand the context. In addition to this, I also briefly deal with other areas of law than criminal law, in which the liability of persons for unlawful acts of artificial intelligence may also be inferred. This is the application of the principle of subsidiarity of criminal repression.

The fundamental chapter is the third chapter, in which I deal with the criminal liability of artificial intelligence itself. Furthermore, in this chapter I have tried to answer the question of who can be held criminally liable for artificial intelligence if artificial intelligence cannot be criminally liable. In addition, I also focused on the *de lege ferenda* considerations and on questions concerning possible amendments and adjustments of our legal order in relation to this issue.

Key words:

Criminal law, criminal liability, artificial intelligence, artificial intelligence and law, criminal liability of artificial intelligence, criminal liability for artificial intelligence